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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/069,100

10/21/2002

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11696.0054

1690

7590

12/12/2007

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EXAMINER

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ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

12/12/2007

PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/069,100
Filing Date: October 21, 2002
Appellant(s): USHER ET AL.

MAILED

DEC 12 2007

Technology Center 2600

Scott D. Watkins
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/17/2007 appealing from the Office action mailed 05/30/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,314,286	Zicker	10-1999
6,633,636	McConnell et al.	05-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9-10, 12-13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zicker (Patent No. 6,314,286) in view of McConnell et al. (Patent No. 6,633,636)

Consider **claims 9, 13 and 16**. Zicker teaches a method for facilitating telephone traffic between a fixed cellular network and a movable network (C4, L28-38, Fig.1, Illustrate ground station No.36 as fixed cellular network and No.30 as movable network aboard a vehicle), comprising: configuring a ground-based host node to forward incoming calls from the fixed cellular network to the a plurality of users through the moveable network, and to forward outgoing calls from the plurality of users (C3, L57-67, C4, L1-58 teach the ground station provide communication to subscriber/users and further cited in C9, L55-64 as Fig.2 Illustrate No.50 as plurality of users). Zicker teaches the limitation of claim as discuss **but silent on simultaneously suspending**, in response to a control signal, forwarding incoming calls to the plurality of users;

wherein said suspending forwarding incoming calls does not disconnect a call in progress between any of the plurality of users and the fixed network.

In an analogous art, McConnell teaches "Integrated wireless and private branch exchange communication network". Further, **McConnell teaches** simultaneously suspending, in response to a control signal, forwarding incoming calls to the plurality of users; wherein said suspending forwarding incoming calls does not disconnect a call in progress between any of the plurality of users and the fixed network (C2, L40-56, C7, L7-41, Fig.4, Illustrate steps of receiving (incoming call) wherein suspend and forwarding call to users).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Zicker and McConnell system, such that telephone traffic between a fixed cellular network and a movable network aboard a vehicle and simultaneously suspend, forward incoming calls to the a user through the moveable network without disconnect call, to provide means for secure call and uninterrupted communication in moving traffic.

Consider **claim 10**. McConnell teaches the method wherein said configuring comprises registering routing information for a telecommunications device associated with the each of the plurality of users aboard the vehicle (C4, L65-67, C5, L1-35, Fig.2, Illustrate HLR that containing subscriber data base wherein registering routing information for a telecommunications device).

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Consider **claims 12 and 15**. McConnell teaches the method wherein said suspending incoming calls comprise de-registering the routing information (C5, L25-48, teach HLR wherein can be register/de-register the routing information).

(10) Response to Argument

Accordingly to the argument in appeal brief. The office withdrawn the rejection of claims 9 and 13 under 35 U.S.C. 112, first paragraph.

In response to appellant's argument in claims 9 and 13 that reference of Zicker and McConnell fail to teach the simultaneous suspension of all incoming calls to a plurality of users.

Examiner respectfully disagrees, as in Zicker reference did teach most of limitation of claim such as ground station forwarding incoming calls to plurality of users through the moveable network, see Fig.1 described and Illustrate ground station 36 forwarding/transceiver signals to moveable network No.20 wherein the moveable network No.20 contain plurality of users No.50 see Fig.2. Further, to clarify and make more clear that in Zicker teaches suspension all incoming calls, see column 12, lines 50-57, Fig.11, Illustrate the cellular net work 30 as in step 134 to 136 that when cellular net work not inactive mode, (for example: during critical phrase of flight profile such as take-off, landing and taxi or during the vehicle instrument communicating with flight controller and to prevent interference) the cellular net work 30 will block all calls and keep the remains active set in busy for an extended period this method also would read on suspending forwarding calls does not disconnected a call in progress between any of the plurality of users and the fix network.

Further, examiner bring in McConnell reference to clarify simultaneously suspension, in response to the control signal (see, C2, L23-26, L38-55 teach the private telecommunication system contain **instruction program** as read on control signal that

when an incoming call is received, the private telecommunication system suspended call and base on the control signal/programming to control the routing, handling of calls).

Regarding claims 10, 12 and 15 depend from claim 9, examiner maintain the rejection.

In response to appellant's argument in claim 16 that reference fail to teach the feature which recited similar limitation "sending a control signal representing a request for the ground-base network to discontinue forwarding incoming calls to the vehicle".

Examiner respectfully disagrees, Zicker teaches "sending a control signal representing a request for the ground-base network to discontinue forwarding incoming calls to the vehicle" see column 4, lines 28-58 teach the communication from aircraft 20 and ground base station 36 and further see on column 12, lines 50-57, Fig.11, Illustrate the cellular net work 30 as in step 134 to 136 that when cellular net work not inactive mode for example: during critical phrase of flight profile such as take-off, landing and taxi or during the vehicle/aircraft instrument communicating with flight controller and to prevent interference the cellular net work 30 will block all calls that is, which means that all calls is discontinue forwarding incoming calls to the vehicle/aircraft.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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